

Message Text

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TAGS: MARR, JA

SUBJECT: MIDWAY TRIALS

FOLLOWING SENT ACTION CINCPACFLT INFO COMSEVENTHFLT CTF SEVEN SEVEN
CTG SEVEN SEVEN PT FOUR USS MIDWAY NAVJAG WASHDC CHINFO WASHDC
NAVINVESERVOFF YOKOSUKA NAVLEGSERVOFF YOKOSUKA AMEMB TOKYO
COMUSJAPAN FUCHU AS JAPAN FROM COMNAVFORJAPAN AUG 141005Z REPEATED
FOR YOUR ACTION

QUOTE

UNCLAS //NO05700//

MIDWAY TRIALS

1. FOLLOWING IS CURRENT UPDATE REPORT ON MIDAWAY UA TRIALS.
2. ONE MIDWAY UA TRIAL, NOT INVOLVING COATES, COMMENCE AND CONCLUDED
THIS DATE, 14 AUG 74. NO PRESS PRESENT.
3. JAPANESE PRESS TODAY GAVE SIGNIFICANT COVERAGE TO YESTERDAY'S
US V HAMMOND PROCEEDINGS IN WHICH HAMMOND, DURING EXTENUATION AND
MITIGATION PHASE OF TRIAL STATED THAT HE HAD PERSONAL KNOWLEDGE THAT
MIDWAY CARRIES NUCLEAR WEAPONS. SANKEI CARRIED FRONT PAGE STORY
WHILE ASAHI AND TOKYO TIMES CARRIED STORIES ON INSIDE CITY PAGES
YOMIURI RAN A PAGE ONE ARTICLE WHICH IS REPRESENTATIVE OF TREATMENT
BEING GIVEN HAMMOND'S STATEMENT AND IS QUOTED AS FOLLOWS:
A. HEADLINE: MIDWAY SAILOR TESTIFIES AT COURT MARTIAL. NUCLEAR
WEAPONS ARE CARRIED IN JAPAN.
B. TEXT. (QUOTE) SEAMAN APPRENTICE MIKE HAMMOND (20), A MIDWAY CREW-
MEMBER, TESTIFIED AT A COURT MARTIAL AUGUST 13 THAT NUCLEAR WEAPONS

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ARE BEING BROUGHT BY MIDWAY INTO JAPAN. THE COURT MARTIAL WAS HELD AT

THE MILITARY COURT IN YOKOSUKA NAVY BASE FROM ONE P.M. YESTERDAY. HAMMOND WAS CROSS EXAMINED BY ATTORNEY CHRIS COATES AS THE MOTIVE FOR HIS MISSING MOVEMENT AND UNAUTHORIZED ABSENCE. THE ACCUSED POINTED OUT ILL TREATMENT IN THE SHIP, SAYING THAT HE EXPERIENCED CRUEL AND ILLEGAL TREATMENT ABOARD THE CARRIER. HAMMOND CONTINUED HIS STATEMENT: "MIDWAY HAS BEEN CARRYING NUCLEAR WEAPONS IN JAPAN. ACCORDING TO THE GENERAL QUARTERS WATCH BILL, MY BATTLE DUTY STATION IS AT THE PLACE CALLED FOXTROT NUMBER ONE, WHICH IS LOCATED UP BY THE QUARTER DECK." HOWEVER, HIS STATEMENT WAS STOPPED BY THE JUDGE, WHO ASKED HIM IF HE MADE THE STATEMENT ON THE BASIS OF HIS PERSONAL EXPERIENCE. THE ACCUSED ANSWERED 'YES.' THE JUDGE DECLARED THE COURT BE RECESSED. THE COURT MARTIAL SESSION WAS REOPENED THIRTY MINUTES LATER. THE JUDGE SAID: "WHETHER OR NOT MIDWAY HAS NUCLEAR WEAPONS ON BOARD FALLS UNDER THE CATEGORY OF TOP MILITARY SECRET. REGARDLESS OF THE EXISTENCE OF THE FACT, IF THE DEFENDENT MAKES A STATEMENT ON MILITARY SECRETS, HE WILL BE TRIED NOT ONLY BY THE MARTIAL LAW, BUT ALSO BY THE US-JAPAN SECURITY TREATY REGULATIONS." THE JUDGE ALSO WARNED MR COATES, SAYING THAT PRIOR CONSULTATION WAS MADE BETWEEN THE DEFENDER AND THE ACCUSED CONCERNING THIS STATEMENT, AND THAT THE PRIOR CONSULTATION IS ILLEGAL. THE JUDGE FURTHER QUESTIONED MR COATES IF HE HAD BEEN APPROVED BY THE US GOVERNMENT OR US FORCES TO HAVE THE DEFENDENT MAKE THIS STATEMENT. AFTER CONFIRMING THE DEFENDERS'S NEGATIVE ANSWER, THE JUDGE ADJOURNED THE COURT MARTIAL. USFJ SOURCES WERE SILENT ON THE ISSUE. FIFTY TWO SAILORS MISSED THE MIDWAY'S MOVEMENT ON JUNE 14 AND 26 SAILORS WERE SENTENCED TO GUILTY BY THE COURT MARTIAL. SEAMAN APPRENTIC HAMMOND IS ONE OF THE FIFTY TWO. HE WAS IN UA STATUS FOR A PERIOD OF THREE P.M. JUNE 14 TO ZERO. AM JUNE 15. HE WAS ARRESTED WHEN HE WAS BACK ONBASE. (UNQUOTE)

4. YOMIURI, IN AN INSIDE PAGE COMPANION ARTICLE REPORTED THAT OPPOSITION PARTIES HAVE BEEN INTENSIFYING THEIR POSTURE AGAINST THE MIDWAY SINCE SHE IS ALLEDGEDLY "ARMED WITH NUCLEAR WEAPONS." IT ALSO NOTED THAT "THE JAPAN COMMUNIST PARTY INTENDS TO REQUEST THE GOJ CANCEL APPROVAL OF THE MIDWAY'S VISITS TO JAPANESE PORTS." VERBATIN TEXT WILL BE PROVIDED ALL CONCERNED WHEN TRANSLATION IS COMPLETED.

5. AP AND UPI HAVE QUERIED CONCERNING ISSUES RAISED IN JAPANESE PRESS. BOTH WIRE SERVICES REQUESTED COMMENT CONCERNING HAMMOND'S STATEMENT THAT HE HAD PERSONAL KNOWLEDGE THAT NUCLEAR WEAPONS WERE ABOARD MIDWAY. RESPONSE PROVIDED WAS THAT IT IS THE POLICY

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OF THE US GOVERNMENT TO NEITHER CONFIRM NOR DENY THE PRESENCE OF SUCH WEAPONS. ADDITIONAL AP QUERIES AND RESPONCES PROVIDED WERE:.

-. Q: IS IT TRUE THAT YESTERDAY'S SPOM WAS IMMEDIATELY SUSPENDED FOLLOWING TESTIMONY BY THE DEFENDENT THAT THE CARRIER WAS CARRYING NUCLEAR WEAPONS?

A: YES

B. Q: WAS IT DONE BY THE JUDGE, LT EASTWOOD?

A: YES

C. Q: THE COUNSEL FOR THE DEFENSE WHEN ASKED BY THE JUDGE IF HE AND THE DEFENDANT WERE CLEARED FOR CLASSIFIED MATERIAL SAID "NO" AND WAS THEN INFORMED BY THE JUDGE THAT THE DEFENDANT AND THE COUNSEL WERE SUBJECT TO TRIAL ON THE BASIS OF VIOLATING NATIONAL SECURITY REGULATIONS, ACCORDING TO THE JAPANESE PRESS. IS THIS TRUE?

A: THE MILITARY JUDGE INSTRUCTED HAMMOND THAT THE PRESENCE OR ABSENCE OF NUCLEAR WEAPONS ON ANY US SHIP IS CLASSIFIED AND BY TESTIFYING ABOUT A CLASSIFIED MATTER IN THE PRESENCE OF UNAUTHORIZED PERSONS HE COULD BE SUBJECT TO PROSECUTION FOR VIOLATING FEDERAL SECURITY LAWS.

D. Q: IF SO, WHAT WILL HAPPEN TO THE LAWYER AND THE DEFENDANT?

A: WE CANNOT SPECULATE.

E. Q: IS THE MIDWAY CARRYING NUCLEAR WEAPONS WITHOUT PRIOR NOTIFICATION TO THE GOJ?

A: THE POLICY OF THE US GOVERNMENT REGARDING THE PRESENCE OR ABSENCE OF NUCLEAR WEAPONS OR COMPONENTS ABOARD ANY SHIP IS TO NEITHER CONFIRM NOR DENY THE PRESENCE OF SUCH WEAPONS OR COMPONENTS.

Q: WHEN WILL THE SPCM BE RESUMED?

A: NOT YET RESCHEDULED.

6. ALL MAJOR JAPANESE DAILIES AND WIRE SERVICE HAVE SUBMITTED REQUEST TO ATTEND NEXT COURT SESSION IN HAMMOND CASE.

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